

*Providing Forest
Management Services
For Over 30 Years.*



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February 24, 2021

MAJ Realty Property Tree Study
Long Hill Township
Block 13302, Lot 16.01
10.435 acres

Dear Mr. Marranta and Mr. Parisi,

On February 23rd, our firm completed a tree evaluation for those areas to be included within the proposed MAJ Realty development area. This evaluation will be used to determine the total number of trees to be replaced as per the Long Hill Township Ordinance 464-20, Section 23-7.

The first attached map shows the outline of the entire property. The acreage of the entire property is 10.435 acres. Based on maps previously provided, it was estimated that the total area of disturbance (construction of roads, driveways, houses, septic systems, detention basins, etc.) is approximately 5.22 acres. It is this development area where the tree inventory and analysis occurred.

The 5.22 acre development area was further divided into stands, or forest types, based on age and species composition. Based on historical aerial photos, the northern portion of the property reverted from fields to forest around 1975, while the southern area reverted from fields to forest during the mid-1950's. The separate stand acreages totaled 1.82 acres for Stand 1 in the north and 3.40 acres for Stand 2 in the south (see map). These acreages are an estimate using maps previously provided and GIS mapping software, the actual acreage may differ.

A total of 10 forest inventory plots were completed within the area of disturbance. Each plot measured used a 10-factor basal area prism to determine which trees needed to be measured. This inventory method is a standard in forest inventories. The benefit of this method, rather than a 100% inventory, is the data can be reliably extrapolated to a per acre basis. That way, if the area of disturbance should change, the data collected would still be reliable to use to extrapolate to additional acreage.

Based on the Long Hill Township Ordinance 464-20, Section 23-7, any tree 12 inches or greater in diameter, measured at 4.5 feet above the ground shall be regulated. Trees to be cut shall be replaced on a 1 to 1 basis with trees of at least 2 to 2.5 inches in diameter, of the same species as the one removed, or one approved by the Shade Tree Commission. Alternatively, according to Section 23-11, if the trees cannot be planted on the same site, such as this property, then \$300 shall be paid to the Township of Long Hill Tree Fund for tree planting projects on township lands.

The inventory outlines the number of trees 12 inches and greater per acre in each stand. It does not account for trees larger than 12 inches in diameter that will undoubtedly die within the near future (such as ash trees), low quality trees that have been severely damaged from storms, trees showing significant signs of decline and decay, or trees that are not native (such as Norway maple and ailanthus). Below are the calculations based on this method.

For Stand 1- 20 high quality trees per acre X 1.82 acres = 37 trees

For Stand 2- 36 high quality trees per acre X 3.40 acres = 123 trees

Total trees to be replaced= 160 trees or \$48,000 for tree replacement projects.

Additionally, the area around the boundary of the development area was assessed for high quality trees that ideally should be retained in order to provide a buffer between this development and the surrounding area. A total of 87 trees were marked with an orange "S" for Save within those areas. Attached is a spreadsheet (Table 1) showing the size and species of each tree designated to not be cut.

Please let us know if you have any questions at this time.

Sincerely,

A handwritten signature in cursive script that reads "Alex Kelchner".

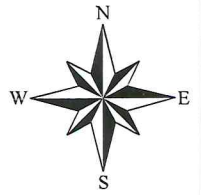
Alex Kelchner, SAF

Trees to be Retained (Table 1)

Number	Species	Diameter
1	Cedar	15
2	Walnut	16
3	Walnut	11
4	Pin Oak	22
5	Sugar Maple	30
6	Red Maple	12
7	Red Maple	15
8	Red Maple	18
9	Red Maple	13
10	Red Maple	15
11	Red Maple	22
12	Red Maple	14
13	Red Maple	14
14	Red Maple	14
15	Red Maple	13
16	Red Maple	16
17	Tulip Poplar	22
18	Tulip Poplar	22
19	Walnut	13
20	Tulip Poplar	30
21	Tulip Poplar	22
22	Tulip Poplar	24
23	Tulip Poplar	30
24	Walnut	22
25	Walnut	20
26	Walnut	14
27	Sugar Maple	14
28	Black Oak	21
29	Walnut	18
30	Dogwood	6
31	Pin Oak	20
32	Cedar	4
33	Pin Oak	21
34	Pin Oak	26
35	Tulip Poplar	30
36	Red Maple	16
37	Red Maple	14
38	Red Maple	14
39	Red Maple	2
40	Red Maple	28
41	Black Cherry	14
42	Red Maple	20
43	Red Maple	26
44	Red Maple	22
45	Pin Oak	22

46	Cedar	14
47	Pin Oak	10
48	Red Maple	18
49	Red Maple	14
50	Red Maple	14
51	Red Maple	14
52	Red Maple	18
53	Red Maple	16
54	Red Maple	16
55	Red Maple	16
56	Red Maple	20
57	Red Maple	20
58	Red Maple	22
59	Red Maple	28
60	Red Maple	20
61	Red Maple	18
62	Shagbark Hickory	12
63	Elm	12
64	Red Maple	16
65	Red Maple	18
66	Red Maple	20
67	Hickory	4
68	Cedar	14
69	Pin Oak	22
70	Cedar	14
71	Dogwood	10
72	Red Maple	20
73	Black Cherry	14
74	Tulip Poplar	30
75	Elm	12
76	Swamp White Oak	10
77	Elm	18
78	Sweetgum	16
79	Black Cherry	14
80	Walnut	20
81	Walnut	18
82	Walnut	18
83	White Oak	16
84	Red Maple	14
85	Pin Oak	14
86	Red Maple	16
87	White Oak	18

WOODLAND VEGETATION MAP



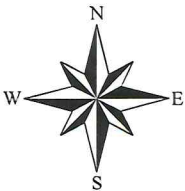
MAJ Realty
LONG HILL TOWNSHIP
MORRIS COUNTY

BLOCK 13302, LOT 16.01
10.435 acres

1 inch = 178 feet

This map was developed using NJDEP GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

WOODLAND VEGETATION MAP



MAJ Realty
LONG HILL TOWNSHIP
MORRIS COUNTY

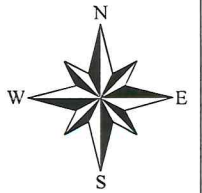
BLOCK 13302, LOT 16.01
10.435 acres



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INVENTORY POINT SAMPLE LOCATIONS



MAJ Realty
LONG HILL TOWNSHIP
MORRIS COUNTY

BLOCK 13302, LOT 16.01
10.435 acres

1 inch = 178 feet

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NED report for Jayne Generated: 02/23/2021 15:28
File name: Z:\Morris\MAJ Realty\neddata.mdb

Identification Data

This report is for the stand 'stand 1' inventory (2021) data.

Identification and Location

Name	Value
Stand ID	stand 1
Date Inventory Was Taken	02/23/2021

Site Characteristics

Name	Value
------	-------

Measures

Name	Value	Name	Value
Stand Area (ac)	1.0	Basal Area (sq.ft/ac)	37.5
Canopy Closure (% closure)	19.8	Relative Density (%)	20
Stems Per Unit Area (stems/ac)	19.9	Shrub Layer Percent Cover (% cover)	0
Number of Plot Size Classes	1	Ground Layer Percent Cover (% cover)	0.0

Stand Characteristics

Name	Value	Name	Value
Land Cover Type	Broadleaf forest	Site Index	70
Forest Type	yellow poplar bottomland hardwoods	Size Class	large sawtimber
Site Index Species	tuliptree (<i>Liriodendron tulipifera</i>)	Year of Origin	1906

Features

Name	Value	Name	Value
Percent Area Riparian (% cover)	0	Contains a Wetland	no
Percent Area Wetland (% cover)	0	Contains a Riparian	no
Stream Present	absent	Old Growth	no
Percent Open Plots (% plots)	100	Rare	absent

NED report for Jayne Generated: 02/23/2021 15:29
 File name: Z:\Morris\MAJ Realty\neddata.mdb

Timber Tables

This report is for the stand 'stand 1' inventory (2021) data.
 Dead observations were ignored when calculating values in this report.

Composition

Overstory only

	All species	tuliptree (<i>Liriodendron tulipifera</i>)	black walnut (<i>Juglans nigra</i>)	red maple (<i>Acer rubrum</i>)
Basal Area (square feet)	37.5	20.0	10.0	7.5
Percentage of stand basal area (%)	100.0	53.3	26.7	20.0
Stems Per Unit Area (stems per acre)	19.9	7.0	4.4	8.4

Diameters

Overstory only

	All species	tuliptree (<i>Liriodendron tulipifera</i>)	black walnut (<i>Juglans nigra</i>)	red maple (<i>Acer rubrum</i>)
Medial DBH (inches)	21.3	24.6	20.8	13.0
Merchantable Medial DBH (inches)	21.3	24.6	20.8	13.0
Quadratic Mean DBH (inches)	18.6	22.9	20.3	12.8
Merchantable Quadratic DBH (inches)	18.6	22.9	20.3	12.8
Average DBH (inches)	17.8	22.3	20.2	12.7

Structure

Overstory only

	All species	tuliptree (<i>Liriodendron tulipifera</i>)	black walnut (<i>Juglans nigra</i>)	red maple (<i>Acer rubrum</i>)
Q Factor	1.12	1.13	1.11	1.46

Relative density

Overstory only

	All species	tuliptree (<i>Liriodendron tulipifera</i>)	black walnut (<i>Juglans nigra</i>)	red maple (<i>Acer rubrum</i>)
Relative Density (percent)	19.82	5.81	9.51	4.49
percentage of stand	100.00	29.32	48.01	22.67

Volumes

Overstory only

	All species	tuliptree (<i>Liriodendron tulipifera</i>)	black walnut (<i>Juglans nigra</i>)	red maple (<i>Acer rubrum</i>)
Sawtimber gross total (board feet/acre)	3,173	2,195	852	126
Sawtimber net total (board feet/acre)	3,173	2,195	852	126
Pulpwood gross total (cords/acre)	5	2	1	2
Pulpwood net total (cords/acre)	4	2	1	2
Gross total (cords/acre)	13	7	3	2
Net total (cords/acre)	10	6	3	2

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Species x Diameter

**This report is for the stand 'stand 1' inventory (2021) data.
 Stems for Overstory (live trees only, Crop, AGS and UGS)**

Report options: The cell values are 'Stems' (stems per acre). Display 2 places after the decimal point. The values come from tree observations. The tree observations include Crop, AGS and UGS. Only live trees are included. The table rows are 'DBH'. The first row contains dbh's less than 1. The interval between rows is 2. The last row is adjusted to include the maximum dbh found. The diameter display is 'Entire range'. The table columns are 'Species (Common Name)'.

Species (Common Name) X DBH (in) Table for Overstory (live trees only, Crop, AGS and UGS) Stems Per Unit Area (stems/ac)

dbh range	Sum	red maple	tuliptree	black walnut
< 1.00	0.00	0.00	0.00	0.00
>=1.00 and <=3.00	0.00	0.00	0.00	0.00
>3.00 and <=5.00	0.00	0.00	0.00	0.00
>5.00 and <=7.00	0.00	0.00	0.00	0.00
>7.00 and <=9.00	0.00	0.00	0.00	0.00
>9.00 and <=11.00	0.00	0.00	0.00	0.00
>11.00 and <=13.00	6.37	6.37	0.00	0.00
>13.00 and <=15.00	2.04	2.04	0.00	0.00
>15.00 and <=17.00	1.59	0.00	0.00	1.59
>17.00 and <=19.00	2.83	0.00	2.83	0.00
>19.00 and <=21.00	2.08	0.00	1.04	1.04
>21.00 and <=23.00	3.55	0.00	1.73	1.81
>23.00 and <=25.00	0.00	0.00	0.00	0.00
>25.00 and <=27.00	0.00	0.00	0.00	0.00
>27.00 and <=29.00	0.00	0.00	0.00	0.00
>29.00 and <=31.00	0.99	0.00	0.99	0.00
>31.00 and <=33.00	0.42	0.00	0.42	0.00
> 33.00	0.00	0.00	0.00	0.00
Sum	19.85	8.40	7.01	4.44

NED report for Jayne Generated: 02/23/2021 15:29
 File name: Z:\Morris\MAJ Realty\neddata.mdb

Identification Data

This report is for the stand 'stand 2' inventory (2021) data.

Identification and Location

Name	Value
Stand ID	stand 2
Date Inventory Was Taken	02/23/2021

Site Characteristics

Name	Value
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Measures

Name	Value	Name	Value
Stand Area (ac)	1.0	Basal Area (sq.ft/ac)	51.8
Canopy Closure (% closure)	31.6	Relative Density (%)	32
Stems Per Unit Area (stems/ac)	35.3	Shrub Layer Percent Cover (% cover)	0
Number of Plot Size Classes	1	Ground Layer Percent Cover (% cover)	0.0

Stand Characteristics

Name	Value	Name	Value
Land Cover Type	Forest	Site Index	70
Forest Type	oak bottomland hardwoods	Size Class	large sawtimber
Site Index Species	red maple (<i>Acer rubrum</i>)	Year of Origin	1923

Features

Name	Value	Name	Value
Percent Area Riparian (% cover)	0	Contains a Wetland	no
Percent Area Wetland (% cover)	0	Contains a Riparian	no
Stream Present	absent	Old Growth	no
Percent Open Plots (% plots)	0	Rare	absent

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Species x Diameter

**This report is for the stand 'stand 2' inventory (2021) data.
 Stems for Overstory (live trees only, Crop, AGS and UGS)**

Report options: The cell values are 'Stems' (stems per acre). Display 2 places after the decimal point. The values come from tree observations. The tree observations include Crop, AGS and UGS. Only live trees are included. The table rows are 'DBH'. The first row contains dbh's less than 1. The interval between rows is 2. The last row is adjusted to include the maximum dbh found. The diameter display is 'Entire range'. The table columns are 'Species (Common Name)'.

Species (Common Name) X DBH (in) Table for Overstory (live trees only, Crop, AGS and UGS) Stems Per Unit Area (stems/ac)

dbh range	Sum	red maple	black walnut	pin oak	eastern redcedar
< 1.00	0.00	0.00	0.00	0.00	0.00
>=1.00 and <=3.00	0.00	0.00	0.00	0.00	0.00
>3.00 and <=5.00	0.00	0.00	0.00	0.00	0.00
>5.00 and <=7.00	0.00	0.00	0.00	0.00	0.00
>7.00 and <=9.00	0.00	0.00	0.00	0.00	0.00
>9.00 and <=11.00	0.00	0.00	0.00	0.00	0.00
>11.00 and <=13.00	7.88	6.06	0.00	0.00	1.81
>13.00 and <=15.00	13.86	10.73	1.56	0.00	0.00
>15.00 and <=17.00	3.18	1.06	2.12	0.00	0.00
>17.00 and <=19.00	2.64	0.85	0.00	0.00	0.00
>19.00 and <=21.00	4.38	2.99	0.00	0.69	0.00
>21.00 and <=23.00	2.53	1.27	0.00	1.27	0.00
>23.00 and <=25.00	0.00	0.00	0.00	0.00	0.00
>25.00 and <=27.00	0.45	0.00	0.00	0.45	0.00
> 27.00	0.39	0.39	0.00	0.00	0.00
Sum	35.31	23.35	3.68	2.41	1.81

Species (Common Name) X DBH (in) Table for Overstory (live trees only, Crop, AGS and UGS) Stems Per Unit Area (stems/ac) (cont)

dbh range	tuliptree	elm	black oak
< 1.00	0.00	0.00	0.00
>=1.00 and <=3.00	0.00	0.00	0.00
>3.00 and <=5.00	0.00	0.00	0.00
>5.00 and <=7.00	0.00	0.00	0.00
>7.00 and <=9.00	0.00	0.00	0.00
>9.00 and <=11.00	0.00	0.00	0.00
>11.00 and <=13.00	0.00	0.00	0.00
>13.00 and <=15.00	0.00	1.56	0.00
>15.00 and <=17.00	0.00	0.00	0.00

dbh range	tuliptree	elm	black oak
>17.00 and <=19.00	0.95	0.00	0.85
>19.00 and <=21.00	0.69	0.00	0.00
>21.00 and <=23.00	0.00	0.00	0.00
>23.00 and <=25.00	0.00	0.00	0.00
>25.00 and <=27.00	0.00	0.00	0.00
> 27.00	0.00	0.00	0.00
Sum	1.64	1.56	0.85

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Timber Tables

This report is for the stand 'stand 2' inventory (2021) data.
 Dead observations were ignored when calculating values in this report.

Composition

Overstory only

	All species	red maple (<i>Acer rubrum</i>)	pin oak (<i>Quercus palustris</i>)	black walnut (<i>Juglans nigra</i>)	tuliptree (<i>Liriodendron tulipifera</i>)
Basal Area (square feet)	51.8	31.7	6.7	5.0	3.3
Percentage of stand basal area (%)	100.0	61.3	12.9	9.7	6.5
Stems Per Unit Area (stems per acre)	35.3	23.4	2.4	3.7	1.6

Overstory only (cont)

	elm (<i>Ulmus</i>)	black oak (<i>Quercus velutina</i>)	eastern redcedar (<i>Juniperus virginiana</i>)
Basal Area (square feet)	1.7	1.7	1.7
Percentage of stand basal area (%)	3.2	3.2	3.2
Stems Per Unit Area (stems per acre)	1.6	0.8	1.8

Diameters

Overstory only

	All species	red maple (<i>Acer rubrum</i>)	pin oak (<i>Quercus palustris</i>)	black walnut (<i>Juglans nigra</i>)	tuliptree (<i>Liriodendron tulipifera</i>)
Medial DBH (inches)	17.7	17.1	22.8	16.0	19.5
Merchantable Medial DBH (inches)	17.7	17.1	22.8	16.0	19.5
Quadratic Mean DBH (inches)	16.4	15.8	22.5	15.8	19.3
Merchantable Quadratic DBH (inches)	16.4	15.8	22.5	15.8	19.3
Average DBH (inches)	16.0	15.4	22.5	15.7	19.3

Overstory only (cont)

	elm (<i>Ulmus</i>)	black oak (<i>Quercus velutina</i>)	eastern redcedar (<i>Juniperus virginiana</i>)
Medial DBH (inches)	14.0	19.0	13.0
Merchantable Medial DBH (inches)	14.0	19.0	13.0
Quadratic Mean DBH (inches)	14.0	19.0	13.0
Merchantable Quadratic DBH (inches)	14.0	19.0	13.0
Average DBH (inches)	14.0	19.0	13.0

Structure

Overstory only

	All species	red maple (<i>Acer rubrum</i>)	pin oak (<i>Quercus palustris</i>)	black walnut (<i>Juglans nigra</i>)	tuliptree (<i>Liriodendron tulipifera</i>)
Q Factor	1.16	1.15	1.14	0.90	1.11

Overstory only (cont)

	elm (<i>Ulmus</i>)	black oak (<i>Quercus velutina</i>)	eastern redcedar (<i>Juniperus virginiana</i>)
Q Factor	0.00	0.00	0.00

Relative density

Overstory only

	All species	red maple (<i>Acer rubrum</i>)	pin oak (<i>Quercus palustris</i>)	black walnut (<i>Juglans nigra</i>)	tuliptree (<i>Liriodendron tulipifera</i>)
Relative Density (percent)	31.58	17.24	4.99	5.05	1.07
percentage of stand	100.00	54.59	15.81	15.98	3.38

Overstory only (cont)

	elm (<i>Ulmus</i>)	black oak (<i>Quercus velutina</i>)	eastern redcedar (<i>Juniperus virginiana</i>)
Relative Density (percent)	0.96	1.28	0.99
percentage of stand	3.05	4.05	3.13

Volumes

Overstory only

	All species	red maple (<i>Acer rubrum</i>)	pin oak (<i>Quercus palustris</i>)	black walnut (<i>Juglans nigra</i>)	tuliptree (<i>Liriodendron tulipifera</i>)
Sawtimber gross total (board feet/acre)	3,511	2,001	689	297	269
Sawtimber net total (board feet/acre)	3,511	2,001	689	297	269
Pulpwood gross total (cords/acre)	8	5	1	1	0
Pulpwood net total (cords/acre)	6	4	1	1	0
Gross total (cords/acre)	17	11	2	2	1
Net total (cords/acre)	14	9	2	1	1

Overstory only (cont)

	elm (<i>Ulmus</i>)	black oak (<i>Quercus velutina</i>)	eastern redcedar (<i>Juniperus virginiana</i>)
Sawtimber gross total (board feet/acre)	87	114	55

	elm <i>(Ulmus)</i>	black oak <i>(Quercus velutina)</i>	eastern redcedar <i>(Juniperus virginiana)</i>
Sawtimber net total (board feet/acre)	87	114	55
Pulpwood gross total (cords/acre)	0	0	0
Pulpwood net total (cords/acre)	0	0	0
Gross total (cords/acre)	1	1	0
Net total (cords/acre)	0	0	0

**LONG HILL TOWNSHIP
ORDINANCE 464-20
AN ORDINANCE REGULATING THE REMOVAL OF TREES, AMENDING CHAPTER
XXIII OF THE TOWNSHIP CODE ENTITLED SHADE TREES IN ITS ENTIRETY**

BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that the Township Code and the Township Land Use Ordinance are hereby supplemented and amended as follows:

Section 1. Title. Chapter XXIII of the Township Code entitled "Shade Trees" is amended in its entirety to read as follows:

Chapter 23 Shade Trees

Section 23-1 Purpose and Intent

- A. The purpose of this section is:
 - 1. To preserve and protect trees within the Township of Long Hill, which helps to preserve water quality, abate noise, and enhance the ambience and character of the community.
 - 2. To control the indiscriminate destruction of trees which has been shown to have severe detrimental environmental, ecological and economic effects including increased soil erosion and surface drainage problems, creation of insect breeding sites, decreased oxygen production, decreased property values and increased Township costs and thereby to eliminate a threat to the public health, welfare and safety.
 - 3. To protect the semirural character and natural resources of the Township, consistent with the goals and objectives of the Master Plan. This section is not intended to restrict homeowners from removing dead, diseased, or hazardous trees. It is not intended to restrict homeowners from conducting routine pruning of trees or other maintenance procedures.
- B. This section places special emphasis on the preservation of trees around the perimeter of a property to create Conservation Areas based upon setback requirement pursuant to the Township of Long Hill Zoning Code. The ordinance will also provide a sound management structure for the removal of trees in the Township.

Section 23-2 Definitions

Diameter at Breast Height shall mean the diameter of a tree measured 4'6" above the uphill/highest side above grade.

Enforcement Officer shall mean the Code Enforcement Officer.

Hazardous Tree shall mean a tree that musts meet the following two criteria: (1) The tree, or a tree part, must be at an increased likelihood of failure, usually due to the presence of some structural defect e.g. the presence of a significant amount of decay in a portion of the tree, and (2) there must be one or more targets present. A target may be any person or property that could potentially be damaged or injured should a failure occur. If there are no targets present there is no risk and the tree will not be considered a hazard, even if it is structurally unsound and likely to fail at any time.

Landmark Trees shall mean any tree designated and identified by the Township Shade Tree Commission meeting the criteria for designation.

Township Trees shall mean trees located on Township property or within Township right-of-way.

Private Trees shall mean any tree other than a Township tree.

Screening shall mean one or more trees or hedges which provide a visual barrier between properties.

Tree shall mean any woody perennial plant having a diameter of six inches measured at a point 4'6" above grade.

Tree Removal Permit shall mean a permit issued by the Shade Tree Commission authorizing the applicant permission to remove a Township tree.

Tree Removal Registration shall mean a registration filed with the Township Clerk on the official Township form before a property owner or tenant removes a tree 12' in diameter or greater from private property.

Section 23-3 Responsible Officials; Enforcement

- A. Administration. The Shade Tree Commission shall be responsible for administration of this section.
- B. Enforcement Officer. The Code Enforcement officer is hereby authorized to enforce the regulations set forth within the Township Code.

Section 23-4 Prohibition and Requirements with Respect to Township Trees

- A. It shall be unlawful to commit any of the following acts with respect to Township Trees within parks and public property or within Township right-of-way without the prior written permission of the Shade Tree Commission.
 - 1. Cut, prune, break, injure, alter or remove any tree; or cut, unduly disturb or interfere in any way with any root of a tree or trees.
 - 2. Spray any tree with a chemical.
 - 3. Fasten any rope, wire, sign, or other device to a tree or trees or to any guard about such a tree or trees.
 - 4. Install, remove or injure any guard or device placed to protect any trees.
 - 5. Obstruct access of air, water, or fertilizer to the roots of such tree or trees.
 - 6. String any wires or lines through a public park.
- B. The Shade Tree Commission shall grant such written permission if the activity for which such permission is requested is in the public interest and is not likely to materially injure any Township tree. The Shade Tree Commission shall render its decision within 30 days after submission of a complete application. Failure of the Commission to render a decision within such 30-day period or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.
- C. Any person or persons who cause damage to any tree(s) by machines, autos, etc. shall be held liable for damages to the tree or trees. Damages shall be corrected or repaired by the liable person or persons billed for the damages and shall be liable to the penalties set forth in section 1-5 of this Code.

Section 23-5 Tree Protection with Respect to Township Trees

The following protections shall be required for any acts taken in connection with Township trees pursuant to Section 23-4 above:

- A. Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant.
- B. Snow fencing used for tree protection shall be firmly secured along the dripline but shall be no less than six (6) feet from the trunk.

- C. The grade of land located within the dripline shall not be lowered or raised unless compensated by welling or retaining wall methods; and in no event shall be permitted within the dripline or within six (6) feet of any remaining trees, whichever is greater.
- D. Any excavation within the dripline, or within six (6) feet of the trunk of a remaining tree, whichever is greater, shall be done by airspade or hand-operated equipment.
- E. Where a tree that has been noted for preservation is severely damaged and unable to survive, tree replacement shall occur as provided in the Tree Replacement section of this ordinance.

Section 23-6 Landmark Trees

- A. The Shade Tree Commission or its Chair upon request, shall determine whether any tree qualifies as a "Landmark Tree". A tree may qualify as a Landmark Tree if it meets one (1) or more of the following criteria:
 - 1. The tree species is rare.
 - 2. The tree is more than one-hundred (100) years of age.
 - 3. The tree is of an abnormal height or has an abnormal trunk diameter or dripline diameter for a tree of its species.
 - 4. The quality of the tree foliage is abnormal for a tree of its species.
 - 5. The location, shade value, fragrance, erosion control, aesthetic, features or scenic enhancement of such tree is of especial importance to the Township.
- B. All trees designated as Landmark Trees, shall be shown on a map with appropriate code marks signifying each tree's designation, number, species, age, size and other distinguishing characteristics for ready reference and periodic monitoring.
- C. If the owner or owners of the property on which a Landmark Tree is located consents thereto, the Township may identify such tree as a Landmark Tree by the placement of a suitable marker thereon.
- D. If and when, any Landmark Tree is removed, the Shade Tree Commission shall arrange for the necessary changes to be made to the official Landmark Tree inventory records and Township Map.

Section 23-7 Protection of Trees on Private Property

- A. Any person wishing to remove one or more trees greater than 12" in diameter, shall file a registration form with the Township Clerk which shall include a description of the tree(s) to be removed, their species, their size, their health and their location on the property.
- B. No fee shall be charged for a tree removal registration, however, failure to file the registration form before removing the trees in accordance with paragraph "A" above shall subject a property owner and/or tenant to the penalties set forth in section 23-12 below.

Section 23-8 Exemptions from Permit and/or Registration Requirement and Penalties

The following lands, activities and uses shall be exempt from the terms and conditions of this section and shall also be exempt from any violations or penalties.

- A. Activities lawfully conducted on public lands or rights-of-way by or on behalf of a local, federal, state, county or other governmental agency or entity or utility company.
- B. Trees removed in compliance with a woodland management plan that has been approved by NJDEP pursuant to N.J.S.A. 54:4-23.3 and N.J.A.C. 18:15-2.7 as part of an approved farmland assessment and that is on file with the Township Tax Assessor.
- C. Any activity protected by the Right to Farm Act, N.J.S.A. 4:1 C-9 et seq. or any other State statute or regulation in an area in which local regulation has been preempted.
- D. Trees removed in accordance with a site plan or subdivision plan approved by the Township Planning Board or Zoning Board of Adjustment.
- E. Trees removed by a nursery or tree farm on its own property when that use is permitted in the zone and when the nursery has all required land development approvals.

Section 23-9 Notice to Owner or Occupant to Remove or Maintain Dangerous Trees Outside the Right-of-Way

The Enforcement Officer may require the removal or maintenance of a tree on private property that is dangerous to public safety, at the expense of the owner or occupant of a property, upon serving written notice that the same will be removed or pruned to make the situation safe within a 30 day period.

Section 23-10 Nonliability of Township

- A. Nothing in this section shall be deemed to impose any liability upon the Township or its officers or employees or agents or upon the Commission or any of the Commissioners.
- B. Nothing in this section shall be deemed to relieve the owner and/or occupant of any private property from the duty to keep trees and shrubs thereon in a safe condition.

Section 23-11 Tree Replacement for Township Trees removed pursuant to Section 23-4

The Shade Tree Commission may require that Township trees removed pursuant to Section 23-4 of this ordinance be replaced under the following guidelines:

- A. Trees should be replaced on a 1:1 basis.
- B. Deciduous replacement trees should be a minimum of 2 – 2.5” caliper, balled and burlapped and suitable for Zone 6 and guaranteed for two years.
- C. Evergreen replacement trees should also be balled and burlapped and of a minimum size of 7’ - 8’ in height and suitable for Zone 6 and guaranteed for two years.
- D. In some instances, it may be appropriate to plant hedges or other screening as an alternative to replacement tree(s) if same would provide a more suitable visual barrier and/or better serve the purpose of this section.
- E. The preferred tree replacement locations should be on the actual tree removal site, however in lieu of providing a replacement tree on site, the owner of the property must contribute \$300 per tree to the Township of Long Hill Tree Fund to be used for the replacement of trees on public property or Township right-of-way.

Section 23-12 Violations and Penalties

Any person violating or causing to be violated any of the provisions this section shall be subject to the penalties set forth in section 1-5 of the Township Code. Any person removing or destroying a Township tree in violation of this ordinance shall replace each tree destroyed or removed with another tree of the same species or a species approved by the Shade Tree Commission, at least two inches in diameter measured at a point four feet above the ground. Each tree destroyed or removed in violation of this section shall be considered a separate offense. Failure to secure a registration prior to removal or destruction of a tree on private property as required by Section 23-7 shall be a violation of this section.

Section 2. In case any article, section or provisions of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST

Megan Phillips, RMC
Township Clerk

Brendan Rae, Mayor

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